

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**JAMES KADI, MD**

**Plaintiff,**

**VS.**

**HENRY SCHEIN, INC.**

**Defendant.**

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**§ Case No. 4:13cv584**

**MEMORANDUM ADOPTING REPORT AND  
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

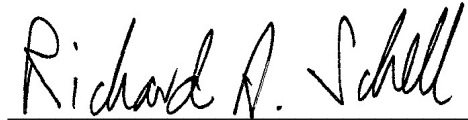
Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On December 30, 2013, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendant Henry Schein, Inc.'s Motion to Dismiss (Dkt. 11) be GRANTED and that Plaintiff's claims be dismissed for failure to state a claim.

The court has made a *de novo* review of the objections raised by Plaintiff, as well as Defendant's response, and is of the opinion that the findings and conclusions of the Magistrate Judge are correct and the objections are without merit as to the ultimate findings of the Magistrate Judge. The court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this court.

Therefore, Defendant Henry Schein, Inc.'s Motion to Dismiss (Dkt. 11) is GRANTED and Plaintiff's claims are dismissed for failure to state a claim.

**IT IS SO ORDERED.**

**SIGNED this the 19th day of March, 2014.**

A handwritten signature in black ink that reads "Richard A. Schell". The signature is written in a cursive style with a horizontal line underneath it.

RICHARD A. SCHELL  
UNITED STATES DISTRICT JUDGE